

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

Michael L. Stone

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Case No. 5:08CV2681

Plaintiff,

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-vs-

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Commissioner of Social Security,

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Judge Christopher A. Boyko

Defendant.

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On November 13, 2008, Plaintiff filed a complaint pursuant to Title 42 U.S.C. Section 405(g) (Dkt.#1). This matter was referred to Magistrate Judge George J. Limbert pursuant to Local Rule 72.2. On September 21, 2009, the Magistrate Judge recommended that the court reverse the ALJ's decision and remand the case for further fact finding, analysis and articulation by the ALJ as to whether Plaintiff meets Listing 45.05C. (Dkt. #18).

FED. R. CIV.P. 72(b) provides that objections to a Report and Recommendation must be filed within ten (10) days after service, but Defendant has failed to timely file any such objections. Therefore, the Court must assume that Defendant is satisfied with the Magistrate Judge's recommendation. Any further review by this Court would be a duplicative and an inefficient use of the Court's limited resources. Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), aff'd, 474 U.S. 140 (1985); Howard v. Secretary of Health and Human Services, 932 F.2d 505 (6th Cir. 1991); United States v. Walters, 638 F.2d 947 (6th Cir.1981).

Therefore, Magistrate Judge Limbert's Report and Recommendation is **ADOPTED** and the case is remanded to the ALJ for further fact finding, analysis and articulation.

IT IS SO ORDERED.

Dated: October 20, 2009

S/Christopher A. Boyko

CHRISTOPHER A. BOYKO

UNITED STATES DISTRICT JUDGE